

REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

Claims 1-20 are pending in this application, with Claims 1, 14, 15 and 18 being independent.

The Examiner is thanked for indicating that Claims 14 and 18 define allowable subject matter and would be allowable if rewritten in independent form. Claims 14 and 18 are rewritten in independent form and are allowable.

On the top of page two of the Official Action, a grammatical issue is raised regarding Claim 4. According, Claim 4 is amended thereby addressing the issue.

The Official Action rejects Claims 1-8, 12, 15-17 and 19 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,662,388, hereinafter *Friel*.

Claims 1 and 15 define combinations of features that generally relate to a support structure for a patient transport cart that include a main body assembly comprising at least one vertical tubular member and having a top, bottom, and middle section. A wheel assembly comprises at least one wheel, the wheel assembly attached to the bottom of the main body assembly by a wheel attaching means, wherein the at least one wheel is oriented to rotate about a horizontal axis while supporting the main body assembly. An attaching means is for attaching the main body assembly to a member of the patient transport cart proximate to the rear portion of the patient transport cart. One of the applications of this subject matter relates to supporting the weight at the end of a stretcher while the stretcher is being loaded into or being taken out of an ambulance.

Friel discloses a patient lifting device to impart a vertical and corresponding horizontal force component upon a load. Basically, as shown in Fig. 1 of *Friel*, the patient adjusting device 1 has a lifting mechanism 9 that is supported on the floor by wheels 2 and has a boom 20 on its top side 7. The patient adjusting device 1 is positioned at the rear of a patient's bed and a connecting element 35 extends from the boom 20 to a sheet 13 on which the patient rests. The boom 20 is raised and tension is applied to the connecting elements 35, thereby pulling the sheet 13 and repositioning the patient toward the rear of the bed. That is, *Friel* refers to a device which is used to maneuver a bed-ridden patient into different positions while in a hospital bed, which is the object of *Friel's* invention. In contrast to the above noted subject matter of the present application, *Friel's* device is meant only for in-hospital use and in no way relates to supporting the weight at the end of a stretcher while the stretcher is being loaded into or being taken out of an ambulance.

Claims 1 and 15 are allowable at least because they define an attaching means for attaching the main body assembly to a member of the patient transport cart. *Friel* does not disclose the patient adjusting device 1 being attached to a member of a patient transport cart and instead shows the boom 20 attached to the sheet 13 via the connecting elements 35. According to the American Heritage Dictionary, a member is a structural unit, such as a beam or wall. Accordingly, *Friel's* bed sheet is not a member. In fact, *Friel's* description in column 4, lines 56-61 bolsters this idea by stating that "[t]he sheet 13 can be a flat flexible material for instance cotton, plastic, nylon etc. namely any material which does not provide any discomfort for the patient when it is properly positioned beneath the patient." Further, for the sake of argument, even if one were to consider the sheet 13 as being

a member, the sheet 13 is not a member of a patient transport cart. For these reason, *Friel* does not disclose at least an attaching means for attaching a main body assembly to a member of a patient transport cart in combination with the other features defined by Claims 1 and 15.

Claims 2-8, 12, 16, 17 and 19 are allowable at least by virtue of their dependence from allowable independent claims, and because they define features that additionally define over the cited disclosure.

Claims 9-11, 13 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Friel* in view of U.S. Patent No. 2,127,309, hereinafter *Rickard*. As relied on in the Official Action, *Rickard* does not satisfy the deficiencies of the rejections of Claims 1 and 15, from which Claims 9-11, 13 and 20 depend. Therefore, Claims 9-11, 13 and 20 are allowable for at least the same reasons.


For the reasons stated above, it is requested that all the objections and rejections be withdrawn and that this application be allowed.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned requests that he be contacted at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 8, 2005

By: 
Kevin Brayton McGoff
Registration No. 53,297

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620